



(Ireland.)



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B I L L

For vesting the Lagan Navigation in the Commissioners of Public Works in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH **H**EREBY by an Act passed in the first and second years of the reign of his late Majesty King WILLIAM the Fourth, intituled, "An Act for the Extension and Promotion of Public Works in Ireland," the property, estates, effects, tolls and funds theretofore vested in the Directors of Inland Navigation, under certain Acts therein mentioned, were transferred to, and are now vested in, and the powers of such Directors of Inland Navigation in respect thereof are now exercised by, the Commissioners of Public Works constituted and appointed under the said Act :

Preamble:
1 & 2 Will. 4,
c. 33.

10 And whereas by an Act passed in the Parliament of Ireland in the twenty-seventh year of the reign of his late Majesty King GEORGE the Second, intituled, "An Act for making the River Lagan navigable, and opening a Passage by Water between Lough Neagh and the Town of Belfast, in the County of Antrim," certain powers in respect to the
15 said Lagan Navigation in the said Act mentioned were given for a limited period to the Corporation then existing for promoting and carrying on an Inland Navigation in Ireland :

27 Geo. 2,
c. 3.

And whereas further provision was made in respect of the said Navigation by several Acts of the Parliament of Ireland, passed
20 respectively in the third, eleventh and twelfth and thirteenth and fourteenth years of the reign of his Majesty King GEORGE the Third :

3 Geo. 3, c. 6;
11 & 12
Geo. 3, c. 28;
13 & 14
Geo. 3, c. 12.

19 & 20
Geo. 3, c. 32.

And whereas by an Act passed in the Parliament of Ireland in the nineteenth and twentieth years of the reign of his Majesty King GEORGE the Third, intituled, "An Act for the amending and explaining the several Laws made in this Kingdom for carrying on the Lagan Navigation," a certain body politic and corporate was created, called "The Company of Undertakers of the Lagan Navigation," and the property of the said Navigation, and the powers of making and completing the same given by the said Acts, and other powers, were given to and vested in the said Corporation for the purposes in the said Act mentioned:

54 Geo. 3,
c. 234,
Local and
Personal.

And whereas by an Act passed in the fifty-fourth year of the reign of his said late Majesty King GEORGE the Third, intituled, "An Act for amending and continuing several Acts made for the Improvement of the Lagan Navigation, and for the further Improvement of the said Navigation," it was enacted, that the said several recited Acts, and that Act, should continue and be in force for Twenty-one Years, from the Twenty-fifth day of December One thousand eight hundred and Fourteen, and no longer:

And whereas the said period has terminated, and the said Navigation is of great importance to the town of Belfast, and a large extent of country between the said town and Lough Neagh; and it is necessary to make further provision in respect of the said Navigation; and it is expedient that the said Navigation shall be vested in the said Commissioners of Public Works in Ireland; and that the several powers, privileges and authorities now belonging to them as Commissioners or Directors of Inland Navigation as aforesaid should be extended to the said Lagan Navigation;

1.
The property
of the Navigation transferred to the Commissioners of Public Works

BE it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the passing of this Act, the said Lagan Navigation, and all and singular the several lands, tenements and hereditaments, together with the rights, privileges, easements, works, advantages and appurtenances thereunto belonging, shall be and the same are hereby vested in the said Commissioners of Public Works in Ireland, to be held and enjoyed by them, together with all waters, watercourses, reservoirs, canals, rivers, bridges, sluices, flood-gates, locks, drains, basins, weirs, banks, dams, wharfs, quays, roads and towing-paths, at any time vested in or possessed by the said Corporation for promoting and carrying on an Inland Navigation in Ireland, or the said Company of Undertakers of the Lagan Navigation, by virtue of the said Acts of the twenty-seventh year of the reign of his Majesty King GEORGE the Second, or of the nineteenth and twentieth

twentieth years of the reign of his Majesty King GEORGE the Third, or of the fifty-fourth year of the reign of his said Majesty King GEORGE the Third, or of any Acts relating to the said Navigation.

And be it Enacted, That the said Commissioners of Public Works in Ireland shall henceforward have and exercise in and about the said Lagan Navigation, and its appurtenances and works aforesaid, all such and similar duties, powers and authorities as now belong to them the said Commissioners of Public Works in Ireland, or which may be by them exercised and performed in and about any Navigation in Ireland under their charge and maintenance, by virtue of an Act passed in the fortieth year of the reign of his Majesty King GEORGE the Third, intituled, "An Act for granting to his Majesty the Sum of Five hundred thousand Pounds for promoting Inland Navigation in Ireland, and for the other Purposes therein mentioned, and for authorizing the raising of the said Sum by Loan," or of an Act passed in the fifty-third year of the reign of his said Majesty King GEORGE the Third, intituled, "An Act to amend an Act of the Parliament of Ireland of the fortieth Year of his present Majesty for promoting Inland Navigation in Ireland," or of an Act passed in the fifty-sixth year of his said Majesty King GEORGE the Third, intituled, "An Act to amend an Act of the Parliament of Ireland, in the fortieth Year of his present Majesty's Reign, for granting the Sum of Five hundred thousand Pounds for promoting Inland Navigation, and for other Purposes therein mentioned, and to enlarge the Powers vested in the Directors of all Works relating to Inland Navigation in Ireland," or of the hereinbefore recited Act of the first and second years of the reign of King WILLIAM the Fourth, for the promotion and extension of Public Works in Ireland, or any of them, or any other Act or Acts now in force in Ireland, and that all and every the powers and authorities by the said Acts, or any of them, vested in the said Commissioners of Public Works, shall extend to and may be by them the said Commissioners exercised as fully to all intents and purposes in and about the said Lagan Navigation, as in and about any other Navigation now under their charge or maintenance as aforesaid: Provided always, That nothing herein contained shall extend or be construed to empower the said Commissioners to take or use the lands of any person or persons for the purposes of the said Navigation without his, her or their consent.

2.
The Commissioners to have like powers in respect to Lagan Navigation as other Navigations under their charge.

60 Geo. 3,
c. 51.

53 Geo. 3,
c. 144.

60 Geo. 3,
c. 45.

3.
Persons in possession of the Navigation shall give it up to the Commissioners of Public Works.

And be it Enacted, That any person or persons now in possession of the said Navigation, or the lands, tenements or hereditaments hereby vested in the said Commissioners of Public Works, shall deliver the possession of the same to the said Commissioners of Public Works upon demand; and in case any such person or persons so in possession shall refuse to surrender the same, it shall be lawful for the said Commissioners of Public Works to issue their precept or precepts to the

Sheriff of the county wherein the premises may be situate, to deliver possession of the said premises to such person or persons as shall be nominated to receive the same; and the said Sheriff is hereby required to deliver possession of the said premises accordingly, and to levy such costs as shall accrue from the issuing and execution of such precept or precepts, by distress and sale of the goods of the person or persons so refusing to give possession. 5

4.
Power to levy
Tolls.

AND whereas the said Commissioners are by the said Acts authorized to levy tolls on the several Navigations under their care, and it is expedient to define and specify the tolls to be levied on the said Lagan Navigation, for the purpose of defraying the expenses which will be incurred in respect of the same; BE it therefore Enacted, That it shall and may be lawful to and for the said Commissioners of Public Works in Ireland, and their successors, from time to time and at all times hereafter, to receive and take to the use of the said Commissioners and their successors the several rates and duties hereinafter mentioned for carriage of the several matters and things which shall be carried or conveyed upon or by the said Lagan Navigation; that is to say, for every ton of all goods, wares, merchandize, matters and things which shall be carried or conveyed on or by means of the said Navigation, the sum of *Two-pence* for every statute mile, and so in proportion for any greater or less quantity or distance. 10 15 20

5.
Commissioners to
erect Mile-
stones.

And he it Enacted, That the said Commissioners or their successors shall cause stones or posts to be set up or placed in or near the sides of the said Navigation, at the distance of one-quarter of a mile from each other, denoting the distance of any and every such stone or post from any town or place, and from time to time to repair or renew such stones and posts, and keep and continue legible the inscriptions on such stones and posts respectively; and if any person or persons shall wilfully break, cut down, pull up or damage any such posts or stones, or shall obliterate, deface, spoil or destroy all or any of the letters, figures or marks which shall be inscribed or painted thereon, and be thereof convicted before any Justice of the Peace for the county or place where such offence shall be committed, by the confession of the party or by the oath of One credible witness, such person or persons shall forfeit and pay any sum not exceeding *Ten Pounds* for every such offence. 25 30 35

6.
Proviso as to
Boats passing
without any
loading, or
with less
loading than
Twenty Tons.

Provided always, and he it Enacted, That in case any boat, barge, vessel or raft shall pass on the said Navigation, without any loading, or with less loading than *Twenty Tons*, there shall be paid to the said Commissioners or their successors, in respect to the said boat, barge, vessel or raft, a tonnage-rate for *Twenty Tons* of lading, in the same manner as if the said boat, barge, vessel or raft had actually on board *Twenty Tons* of lading. 40

And

7.
 Provided as to
 fraction of a
 Ton.

And be it Enacted, That in all cases where there shall be a fraction of a ton in the weight of lading in any boat, barge, vessel or raft which shall pass upon the said Navigation, a proportion of the said rates shall be demanded and taken by the said Commissioners or their successors for such fraction, according to the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton in any such weight of lading as aforesaid, such fraction shall be deemed and considered as a whole *Quarter of a Ton*.

8.
 Where there shall be a fraction of a quarter of a ton, the same shall be charged as a Quarter of a Mile.

And be it Enacted, That in all cases where there shall be a fraction of a quarter of a mile in the distance which any boat, barge or other vessel shall pass upon the said Navigation, or upon any part thereof, such fraction shall, in ascertaining the rates to be taken, be deemed and charged as and for a whole *Quarter of a Mile*; and in all cases where there shall be a fraction of a ton in the weight of the whole lading, or any article liable to the same rate, in any boat, barge or other vessel which shall so pass on the said Navigation, a proportion of the said rates shall be demanded and taken by the said Commissioners or their successors for such fraction, according to the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton in any such weight of lading as aforesaid, such fraction shall be deemed and considered a whole *Quarter of a Ton*; and in all cases where there shall be a fraction of a farthing in the amount of dues by this Act authorized to be taken, such fraction shall be deemed and charged a *Farthing*.

9.
 Provided to
 reduce Tolls.

And be it Enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered from time to time as they shall think fit, with the approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any Three or more of them, to reduce all or any of the rates or tolls by this Act authorized to be taken, and afterwards from time to time to raise the same, or any of them, and then to take such higher rates, provided the same respectively shall not at any time exceed the amount by this Act authorized: Provided also, That if any such rates or tolls shall have been let or demised by the said Commissioners, no alteration shall be made in the sums payable for the same during the continuance of such lease or demise, unless with the consent in writing of such tenant or lessee.

10.
 In case of
 disputes as to
 Tolls.

And be it Enacted, That if any dispute or difference shall arise between the collectors of the rates and tolls made payable by this Act, and the owner, master or person having charge of any ship, boat, barge or other vessel, or the owner of any goods, wares and merchandize, or other things chargeable with or liable to the payment of any of the said

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rates

rates or tolls, concerning the weight or quantity of the same, it shall and may be lawful for such collector to stop and detain any such ship, boat, barge or other vessel, and to weigh, measure or gauge, or cause to be weighed, measured or gauged, all such goods, wares and merchandize, or other things, as shall be in any vessel or vessels where 5 and when any dispute shall arise; and in case such goods, wares and merchandize, or other things, shall, upon such weighing, measuring or gauging, appear to be as much weight, measure or quantity as, or of greater quantity than, such collector did insist and affirm the same to be before the weighing, measuring or gauging thereof, so as to make 10 the same chargeable with or liable to the payment of as much money or more money than was demanded by the collector before the weighing, measuring or gauging of such goods, wares and merchandize, or other things, then and in such case the master or owner of such ship, boat, barge or other vessel, or the owners of such goods, wares and 15 merchandize so weighed, measured or gauged, shall pay the costs and charges of such weighing or gauging thereof; all which said costs and charges, upon refusal of payment thereof on demand, shall and may be recovered as the rates and tolls made payable in and by this Act are appointed to be recovered; but in case such goods, wares and 20 merchandize, or other things, shall, upon such weighing, measuring or gauging, appear to be of no greater weight or quantity than the master or owner declared the same to be before the weighing, measuring or gauging thereof, then and in such case such collector shall pay the costs and charges of such weighing, measuring or gauging. 25

11.
Commissioners to put
up Table of
Tolls.

And be it Enacted, That the said Commissioners shall cause to be painted on boards, and to be affixed and continued and renewed as often as the same shall be obliterated or defaced, to or upon any toll-house or building at which any of the rates or tolls by this Act authorized shall be collected or received, in some conspicuous place, in 30 large and legible characters, an account or list of the several rates and tolls which the said Commissioners shall from time to time direct and appoint to be taken, and which shall be payable by virtue of this Act.

12.
Commissioners to
appoint Collectors and
enforce pay-
ment of Tolls.

And be it Enacted, That it shall and may be lawful for the said 35 Commissioners to appoint sufficient collectors and agents for the purpose of receiving the tolls and rates payable under this Act, and in case of refusal or neglect on demand to pay such rates or tolls as have accrued due unto the respective persons appointed to receive the same as aforesaid, the said Commissioners may, in case such tolls shall 40 amount to or exceed the sum of *Twenty Pounds*, sue for and recover the same from the master or owner of the ship, boat, barge or other vessel liable as aforesaid, by an action of debt or on the case, in any of Her Majesty's Courts of Record, or by civil bill; or the person to whom

whom such rates or tolls ought to have been paid may and is hereby empowered, whether such rates or tolls shall amount to *Twenty* Pounds or not, to seize the goods, articles or other things for or in respect whereof any such rates or tolls ought to be or ought to have
 5 been paid, or any part thereof, and the vessel laden therewith, or any other goods, articles or things belonging to the person liable to pay such rates or tolls, and detain the same until such payment shall be made, together with all reasonable charges for such seizure and detention; and if such goods, articles and things shall not be redeemed
 10 within *Seven Days* after the taking thereof, the same shall be appraised and sold as the law directs in cases of distress for rent, and such rates, tolls and all charges attendant thereon satisfied thereout.

And be it Enacted, That it shall be lawful for the said Commissioners, if they shall think fit, by public bidding, from time to time to
 15 let all or any of the tolls or rates payable under the provisions of this Act for terms not exceeding *Three Years*, on such conditions and with such security for payment of the rent reserved on such lease, as the said Commissioners, with the consent and approval of the said Commissioners of Her Majesty's Treasury shall deem expedient; and
 20 every such lease shall be valid; and the respective lessees thereof, and also such persons as such lessees shall appoint to collect and receive the rates or tolls so let, shall have the same powers and authorities for collecting and recovering the same as are hereinbefore by this Act given to the said Commissioners, and the person or persons appointed
 25 by them to collect such tolls and rates.

13.
Commissioners may demise Tolls.

And be it Enacted, That in case any of the rates or tolls by this Act authorized to be taken shall be demised or let, and the lessee thereof shall refuse or neglect to perform the terms and conditions on which the same shall be so demised or let, or any of them; or in case
 30 all or any part of any rent agreed to be paid by any such lessee shall be in arrear or unpaid for the space of *Twenty Days* next after any of the days on which the same ought to be paid, pursuant to the lease or demise of such rates or tolls; or in case any collector of any of the said rates or tolls appointed by the said Commissioners as afore-
 35 said shall be discharged from his office, or shall die, abscond or absent himself, and any such collector who shall be so discharged, or the wife, widow or any of the children or family, or any representative of any such collector, or any other person being in possession thereof, shall refuse to deliver up or shall not deliver up possession of any
 40 toll-house, office or other building, with the appurtenances therein respectively belonging, to be erected or provided under the powers or used for the purposes of this Act, within the space of *Seven Days* next after demand thereof in writing, signed by any *Two* of the said Commissioners, shall be given to him or her, or affixed to such toll-

14.
Power of re-entry in case Lessee shall refuse or neglect to perform the conditions of Lease.

house, office or building; or in case any such lease or demise shall in any manner become void or voidable, then and in any of the said cases it shall be lawful for any Two or more Justices of the Peace acting within their jurisdiction, upon any application made by or on behalf of the said Commissioners, by warrant under the hands and seals of the said Justices, to order any constable or other pence officer, with such assistance as shall be necessary, to enter upon and take possession of every or any such toll-house, office or other building, with the appurtenances, and to remove and put such lessee, collector or other person as shall be found therein, together with his or her goods, from and out of the same and the possession thereof, and from the collection of such rates or tolls, and to put the said Commissioners, their agent, or their new lessee or collector in the possession thereof; and thereupon it shall be lawful for the said Commissioners to vacate and determine the lease and demise or agreement, if any such was previously subsisting, and the same shall accordingly be utterly void to all intents and purposes, save as to the covenants and agreements unperformed by the said lessees; and it shall be lawful for the said Commissioners in every such case, either during such proceedings or on the termination thereof, again to demise or let the said tolls or rates in such and the same manner as if no former demise or agreement had been made with respect thereto.

15.
Application of
Tolls.

And be it Enacted, That all sums received by the said Commissioners of Public Works on account of such rates and tolls as aforesaid, and all rents and other monies received by the said Commissioners for or in respect of any lands, tenements or hereditaments or otherwise, under the provisions of this Act, shall be by them placed to a distinct and separate account, and kept apart from all other monies, and applied towards keeping, managing, maintaining and improving the said Lagan Navigation, and the several works connected therewith, and the other expenses of carrying this Act into execution; and an account of all receipts and disbursements of the said Commissioners under this Act, together with a report on the state of the said Navigation, shall be laid before both Houses of Parliament at the commencement of any Session, together with the accounts and reports of their other transactions now laid before Parliament by the said Commissioners of Public Works, pursuant to law.

16.
Money may
be borrowed
for the pur-
poses of this
Act, from
Public Loan
Commissioners,
or from
Commissioners
of Public
Works.

And be it Enacted, That it shall be lawful for the said Commissioners of Public Works, or for the Commissioners acting under an Act passed in the fifty-seventh year of the reign of his late Majesty King GEORGE the Third, intituled, "An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works or Fisheries in the United Kingdom, and the Employment of the Poor in

in Great Britain," or any Act or Acts amending the same respectively, and the said Commissioners are hereby respectively empowered from time to time, out of any funds at their disposal, to lend and advance or apply any sum of money which may be necessary for the purposes of this Act upon the credit of the said Navigation, and the tolls, rents, profits and receipts accruing or thereafter to accrue thereupon; and it shall be lawful for the said Commissioners of Public Works, by any deed or instrument, to assign, charge or mortgage the same for securing the repayment of the money, and the interest thereon, so lent, advanced or applied, provided that no advance or application of money shall be made by either of the said Commissioners for the purposes aforesaid, unless with the consent of the Commissioners of Her Majesty's Treasury; and all such moneys so lent and advanced or applied by either of such Commissioners shall be repaid from and out of the tolls, rents, profits and receipts accruing to the said Commissioners of Public Works under and by virtue of this Act from the said Navigation, within such period, either by one payment, or by half-yearly instalments of such amount, and with such interest as the said Commissioners of the Treasury shall direct: Provided always, That all such moneys as shall be lent and advanced shall be repaid within Twenty-five Years from the date of such advance, and that the rate of interest payable thereon, or on so much thereof as shall be from time to time outstanding, shall not be less than *Ten Shillings* per centum per annum above the rate of interest on the Exchequer Bills which may be issued for the purpose of providing for such loan or advance, as the said Commissioners of Her Majesty's Treasury shall direct.

Notwithstanding to The QUEEN's most Excellent MAJESTY, Her heirs and successors, and to all and every other person and persons, bodies politic, corporate or collegiate, his, her and their heirs, successors, executors and administrators, all such estate, right, title and interest, if any, in, to or in respect of the lands, tenements and hereditaments hereby vested in the said Commissioners of Public Works, or any part thereof, as they or any of them would if this Act had not been passed have been entitled to enforce or recover in any court of law or equity; provided an action or suit for the recovery of such estate, right, title or interest shall, within Six calendar Months next after the passing of this Act, be commenced in one of Her Majesty's superior courts of law or equity at Dublin; and provided also, That all and every person or persons, bodies politic, corporate and collegiate, his, her and their heirs, successors, executors and administrators, shall be totally barred and excluded of and from all and every right, title, estate and interest in or upon the said lands, tenements and hereditaments, which right, title, estate or interest shall not be recovered by an action or suit commenced within the time hereinbefore limited.

17.
General
Barling.

18.
The Commissioners shall be indemnified for any interest or liability expenditure, in case any title to any lands, &c. hereby vested in them shall be substantiated.

Provided, and be it Enacted, That if by any such action or suit the plaintiff or plaintiffs therein should establish and recover any right, title, estate or interest in or to the said lands, tenements and hereditaments, or any part thereof, all such sums of money as shall appear by the accounts of the said Commissioners of Public Works to have been by them expended in or upon such lands, tenements and hereditaments, or part thereof, or the part of the said Navigation thereunto adjoining, over and above the amount of the tolls, rents and other profits by them received of and from the said Navigation, lands, tenements and hereditaments, and as the said Commissioners shall certify to be the proportion justly chargeable on such lands, tenements and hereditaments, in respect whereof such estate, right, title or interest may have been so established and recovered, shall be a charge upon the same lands, tenements and hereditaments, or part thereof; and the certificate of the said Commissioners shall be conclusive evidence of the existence and amount of such charge; and the amount therein specified shall be paid to the said Commissioners before the party establishing and recovering such estate, title or interest shall sue out any process founded upon any adjudication determining the right to such estate, title or interest for the purpose of reducing the same into possession or enjoyment; and in default of payment of such sum or sums of money so certified within Six calendar Months next after such adjudication, with interest thereon at the rate of Five *Pounds* per centum per annum, such right, title, estate or interest shall be forfeited and extinguished.

19. Provided always, and it is hereby Declared and Enacted, That nothing in this Act contained shall by construction or inference, or in any manner, be deemed or taken to recognize the existence of any such right, title, estate or interest, or the right of any person or persons, body politic, corporate or collegiate, his, her or their heirs, successors, executors or administrators, to recover in any such action or suit.

20.
Actions not to delay proceedings under this Act.

Provided, and be it further Enacted, That if any such action or suit shall be commenced or prosecuted, touching or concerning the right, title, estate or interest in or to any of the said lands, tenements or hereditaments aforesaid, or any part thereof, such action or suit shall not impede, delay or hinder the said Commissioners of Public Works from proceeding in the execution of the powers vested in them by this Act.

21.
Public Act:

And be it Enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such without being specially pleaded.

22.
Act may be altered this Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.